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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,170	09/19/2003	Claude D. Gourand	7171.3001.003	7111

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REISING, ETHINGTON, BARNES, KISSELLE, P.C.  
P O BOX 4390  
TROY, MI 48099-4390

EXAMINER
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GREEN, BRIAN

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/666,170	<b>Applicant(s)</b> GOURAND ET AL.	
	<b>Examiner</b> Brian K. Green	<b>Art Unit</b> 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 10 is objected to because of the following informalities: In claim 10, lines 1-2, "said picture pocket rear layer" should apparently be "a picture pocket rear layer" since there is no antecedent basis for "said picture pocket rear layer". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

Claims 11 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 11 and 13, line 2, there is no antecedent basis for "said picture pockets" (plural).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3,6,7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Polzin (U.S. Patent No. 5,025,581).

Polzin shows in figures 1-7 a picture display device comprising a generally flat substrate (3), a generally flat picture pocket (1,2) having a transparent front layer (2), a first adhesive layer (36) is in contact with the substrate rear surface, a second adhesive layer (40) in contact with both the substrate (3) front surface and the picture pocket. Polzin also discloses in column 6, lines 18-30, the idea of making the layers 1 and 2 from a single sheet of material and adhering

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the single sheet of material to the flat substrate (3) with adhesive. The picture pocket is open at the top edge such that when the display device is attached to the wall, the display object may be inserted and removed from the picture pocket without detaching the display device from the wall, see column 3, lines 45-48. In regard to claim 3, the front layer (2) is directly attached to the substrate (3) and a pocket is formed between the front layer (2) and the substrate. In regard to claim 6, the applicant defines in claim 1 a picture display device that includes a flat substrate. How the flat substrate is provided, i.e. in the form of a roll, is immaterial. What matters is the final product, i.e. a display device that includes a flat substrate. Further, the substrate of Polzin is capable of being provided in the form of a roll. In regard to claim 7, Polzin discloses in column 5, lines 40-60, the idea of making the adhesive (36) non-permanent. In regard to claim 9, Polzin discloses in column 8, lines 7-10 the idea of placing pictorial designs on the substrate (3).

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,2,6,9-11, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown (U.S. Patent No. 6,694,650).

Brown shows in figures 1-6 and 8 a picture display device comprising a generally flat substrate (3), a generally flat picture pocket (2) having a transparent front layer (22), a first adhesive layer (42) is in contact with the substrate rear surface, a second adhesive layer (41) in contact with both the substrate (3) front surface and the picture pocket. The picture pocket is open at the top edge such that when the display device is attached to the wall, the display object may be inserted and removed from the picture pocket without detaching the display device from the wall. In

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regard to claim 2, the pocket (2) includes a rear layer (21). In regard to claim 6, the applicant defines in claim 1 a picture display device that includes a flat substrate. How the flat substrate is provided, i.e. in the form of a roll, is immaterial. What matters is the final product, i.e. a display device that includes a flat substrate. Further, the substrate of Brown is capable of being provided in the form of a roll. In regard to claim 9, Brown shows in figure 1 the idea of placing a pictorial designs (33) on the substrate (3). In regard to claim 10, Brown discloses in column 2, lines 60-62 that the rear panel is not transparent. In regard to claim 11, Brown shows in figures 1 and 8 the idea of attaching a plurality of pockets to the substrate. In regard to claim 14, these are the steps that would be followed when the device of Brown is attached to a wall and cards are attached to and removed from the pockets, see Brown column 1, lines 54-67, column 2, lines 1-2 and column 3, lines 22-30.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Polzin (U.S. Patent No. 5,025,581) in view of Mostert (U.S. Patent No. 5,452,479).

Polzin discloses the applicant's basic inventive concept except for melting (heat sealing) the front layer (the combination of layers 1 and 2, see column 6, lines 18-21) directly to the substrate (3). Mostert shows in figures 1-6 a pocket that includes a rear panel (30) and a front panel (32) that are heat sealed together to form the pocket. In view of the teachings of Polzin it

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would have been obvious to one in the art to modify Polzin by melting the front layer directly to the substrate since this would allow the front layer and substrate to be attached together in an easier, faster, and more secure manner.

Claims 1,2,5,6,8,9,10,11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polzin (U.S. Patent No. 5,025,581) in view of Martinez et al. (U.S. Patent No. 4,900,604).

Polzin shows in figures 1-7 a picture display device comprising a picture pocket including a generally flat rear layer (3) and a transparent front layer (1,2). Polzin discloses in column 6, lines 18-30, the idea of making the layers 1 and 2 from a single sheet of material and adhering the single sheet of material to the rear layer (3) with adhesive. Polzin discloses the use of a second adhesive (36) for securing the pocket to a substrate. Polzin does not disclose whether the substrate (column 5, lines 49-60) in which the pocket is removably attached includes an adhesive on the rear surface. Martinez et al. shows in figures 2 and 6 the idea of attaching a picture display device (the picture frame located just above the crib in figure 1) to a substrate (wallpaper (36) which inherently includes an adhesive on the rear surface). In view of the teachings of Martinez et al. it would have been obvious to one in the art to modify Polzin by attaching the pocket to a substrate (wallpaper) that includes adhesive on the rear surface since this would allow the pocket to be used on a wider range of surfaces to create a more amusing and aesthetically pleasing display. The picture pocket is open at the top edge such that when the display device is attached to the wall, the display object may be inserted and removed from the picture pocket without detaching the display device from the wall, see column 3, lines 45-48. In

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regard to claim 2, the rear layer is layer (3). In regard to claim 5, the substrate (36) is wallpaper. In regard to claim 6, the applicant defines in claim 1 a picture display device that includes a flat substrate. How the flat substrate is provided, i.e. in the form of a roll, is immaterial. What matters is the final product, i.e. a display device that includes a flat substrate. Further, the substrate of Martinez et al. is capable of being provided in the form of a roll. In regard to claim 8, Polzin discloses in column 5, lines 40-60, the idea of making the second adhesive (36) non-permanent. In regard to claim 9, Martinez et al. shows in figure 2 a picture design (10,12) on the substrate. In regard to claim 10, the picture pocket rear surface (3) can be opaque, see column 7, lines 24-30. In regard to claim 11, Polzin in view of Martinez et al. does not disclose placing a plurality of picture holders onto the substrate. Martinez et al. shows in figure 1 the idea of placing a picture frame on the wall. The examiner takes official notice that it is known to place a plurality of picture frames onto walls. It would have been obvious to one in the art to modify Polzin in view of Martinez et al. by attaching a plurality of pockets to the substrate since this would allow more pictures to be displayed onto the walls of a room. In regard to claim 14, these are the steps that would be followed when the device of Polzin in view of Martinez et al. is attached to a wall and pictures are attached to and removed from the pockets, see Polzin in column 3, lines 44-48.

Claims 7,12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polzin (U.S. Patent No. 5,025,581) in view of Martinez et al. (U.S. Patent No. 4,900,604) as applied to claim 1 above and further in view of DeProspero et al. (U.S. Patent No. 5,639,539).

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Polzin in view of Martinez et al. disclose the applicant's basic inventive concept except for whether the first adhesive on the rear surface of the substrate is non-permanent. DeProspero et al. shows in figures 1-3 a wallpaper that includes non-permanent adhesive (40) on a rear surface thereof. In view of the teachings of DeProspero et al. it would have been obvious to one in the art to modify Polzin in view of Martinez et al. since this would allow the substrate to be attached to a wall in an easier manner and would allow the substrate to be removed from the wall in an easier manner, as taught to be desirable by DeProspero et al. column 1, lines 39-53 and column 5, lines 38-46. In regard to claim 13, Polzin in view of Martinez et al. does not disclose placing a plurality of picture holders onto the substrate. Martinez et al. shows in figure 1 the idea of placing a picture frame on the wall. The examiner takes official notice that it is known to place a plurality of picture frames onto walls. It would have been obvious to one in the art to modify Polzin in view of Martinez et al. by attaching a plurality of pockets to the substrate since this would allow more pictures to be displayed onto the walls of a room. In regard to claim 14, these are the steps that would be followed when the device of Polzin in view of Martinez et al. is attached to a wall and pictures are attached to and removed from the pockets, see Polzin in column 3, lines 44-48.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on M-F 7am-3:30pm.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
BRIAN K. GREEN  
PRIMARY EXAMINER

Bkg  
Dec. 20, 2004